

REMARKS

Claims 1-30 are pending. Claims 1-3, 6, 14, 18, 23, 24, and 27 have been amended. No new matter has been added. Claim 30 has been added. Claim 30 is supported in the application as filed, for example in paragraphs [0024]-[0028].

Applicant respectfully requests reconsideration based on these remarks.

Claim Rejections - 35 U.S.C. § 102

Claims 1-29 were rejected under 35 U.S.C. § 102(b) as anticipated by “Cote et al (US Patent No 6,832,243).” However, U.S. Patent No. 6,832,243 corresponds with Mikalsen et al., not Cote et al. Thus, Applicant’s attorney believes that the reference referred to in the Office Action is Cote et al. (U.S. Patent No. 6,021,262) (hereinafter “Cote”), and the present response is submitted on the basis of that belief. It is respectfully submitted that claims 1-29 are not anticipated by Cote for at least the following reasons.

Cote relates to “detection of, notification of, and automated repair of problem conditions in a messaging system.” (Title). A problem condition could represent a “software condition that interferes with, e.g., creation of a message, access to a message, or delivery of a message.” (Col. 1, lines 38-41). Alternately a problem condition could be related to a link in a messaging system that “develops a link condition that can cause a message delivery failure or a message delivery delay or both.” (Col. 1, lines 45-47). Cote states that “A delivery failure is a failure of a message to arrive at the mailbox to which the message is directed,” and “A delivery delay is a delay in the arrival of the message at the mailbox.” (Col. 1, lines 47-50).

The system described in Cote is configured to take various actions upon detection of a problem condition. For example, the system described in Cote is configured to “undertake automatic repair of the deficiency” as well as send a notification relating to the problem condition. (Abstract). It is important to note that the notification described in Cote is for the purpose of notifying an administrator or various support staff who then take steps to correct the problem condition. (Col. 7, lines 8-64). For example, an administrator, a manager, or the administrator’s staff may be notified of problems with the messaging software so that they might take corrective action, and issuing of notifications may be tailored to certain service hours or working hours. (Col. 7, lines 54-60).

By contrast, the independent claims recited in the present application relate to sending a message to the recipient of the original messaging that was related to the error condition. For example, claim 1 recites “detecting an error condition during messaging between a message sender and a message recipient,” “generating an alert message indicating said error condition and

said identified stage of said messaging,” and “transmitting said alert message **to said message recipient.**” (Emphasis added). Thus, the “message recipient” recited in claim 1 is the intended recipient of the original messaging from the sender. Notifying the intended recipient of the original message may, for example, allow the recipient to learn of a detected event even without having participated in the messaging. (Application as filed, ¶ [0028]). Sending a notification to the recipient of the original messaging is fundamentally different than the system described in Cote in which the person to which a notification is directed is an administrator or other member of the messaging system support staff, not the intended recipient of the original message.

The Office Action cites column 5, lines 55-67 of Cote as disclosing the transmission of an alert message to said message recipient. Selected portions of the cited passages of Cote are reproduced below.

If the condition’s settings indicate that one or more messaging system messages should be sent (step 400), **the N/R service prepares to send messaging system messages that notify the messages’ recipients of the condition detected** (step 410). For each recipient, the N/R service so prepares by first retrieving, from the settings, the location of the messaging mailbox of recipient selected by administrator, i.e. the recipient’s messaging address. Preparation of the message is then completed by setting up the message to arrive at the address and including in the message information about the detection, including a description of the link or service involved.

(Col. 5, lines 54-65). (Emphasis added).

The Office Action suggests that the messages’ recipients mentioned in the cited passages of Cote are analogous to the message recipient recited in claim 1. However, “the messages’ recipients” in the above-quoted passage of Cote clearly refer to the recipients of the “messaging system messages that notify the messages’ recipients of the condition detected,” not the recipient to which the original message from the message sender was directed (i.e., the message associated with the condition detected). Cote describes the messages’ recipients as including, for example, “the administrator” (Column 5, line 33), “the administrator’s staff” (Column 7, line 21), or “a manager” (Column 7, line 24). Cote makes no mention of transmitting an alert message to the recipient of the original message to which the detected error condition corresponds. Therefore, Cote fails to disclose or suggest “transmitting said alert message to said message recipient,” as recited in claim 1.

Additionally, claim 1 recites “defining a plurality of event categories, each event category of said plurality of event categories being associated with a different one of a plurality of stages

of messaging between a message sender and a message recipient, **said stages of said messaging including** posting of a message, **routing of a message**, delivery of a message, and **response to a delivered message**” as well as “associating said error condition with an identified one of said stages of said messaging.” (Emphasis added). Thus, for example, a message recipient may be notified of routing errors, such as permissions violations, policy enforcement, or validity of the message recipient. (¶ [0024]). Additionally, a message recipient may be notified of response conditions, such as for example a timeout when waiting for a message recipient to respond to the delivered message or an indication of a processing error by the message recipient.

The Office Action cites Cote as disclosing the above-quoted features related to event categories recited in claim 1. (Office Action, page 3, line 4). However, Cote makes no mention of associating an error condition with one of a plurality of stages of messaging that include “routing of a message” and “response to a delivered message,” as recited in claim 1. Instead, the cited passages of Cote relate to message delivery and access, not routing or a response to a message.

For example, Cote states that “Each service has a function such as receiving or storing incoming messages, providing a user at the location with access to the user’s messages, or handling outgoing messages created by the user.” (Col 1, lines 24-28). The Office Action seems suggests that the functions of the services mentioned in Cote are analogous to the plurality of event categories recited in claim 1. However, the examples of functions provided in Cote, such as receiving or storing messages, providing access to messages, or handling outgoing messages, do not include any features related to message routing or responding to a received message. Cote does not disclose or suggest, for example, that any of the functions of the services include errors related to a response to a delivered message, such as a failure to receive a response from the message recipient in a certain amount of time.

As another example, Cote mentions software conditions that interfere with “creation of a message, access to a message, or delivery of a message.” (Col. 1, lines 38-44). Cote also mentions “link conditions detected by the monitoring system” that relate to “an excessive delay in the delivery of a message or delivery failure.” (Col. 4, lines 30-31). The Office Action suggests that the software conditions or link conditions discussed in Cote are analogous to the event categories recited in claim 1. However, the software conditions or link conditions mentioned in Cote are related to problems or delay with physical delivery of or access to a message, not routing or a response to a delivered message.

The clear distinctions between Cote’s solution and implementations covered by the claims of the present application are related to the fact that Cote’s approach focuses on notifying

support staff such as system administrators of low level problems, such as errors in actual delivery of messages due to link failures, while the claimed invention facilitates notification of *the message recipient* of several types of events, including conditions associated with routing of or response to a message. Thus, the teachings of Cote, while attempting to address a similar problem, are irrelevant to the claims of the present application.

Because the messaging system described in Cote does not perform a method that involves “transmitting said alert message to said message recipient” or “associating said error condition with an identified one of said stages of said messaging” where said stages of messaging include “routing of a message” and “response to a delivered message,” the rejection of claim 1 should be withdrawn for at least these reasons.

Since Cote fails to disclose or suggest several features recited in claim 1, Cote does not anticipate the invention defined in claim 1. Claims 2, 3, 27, and 30 recite similar features as claim 1 and thus are also not anticipated by Cote for at least the reasons set forth above. The various dependent claims incorporate all of the features of the independent claims on which they are based and, therefore, are not anticipated for at least the reasons discussed above. Accordingly, the rejections of claims 1-30 of the present application should therefore be withdrawn for at least these reasons.

Notwithstanding the foregoing, several of the claims have been amended to clarify certain aspects of the invention. Further, claim 30 is newly added to further develop and clarify certain aspects of the invention. It should be noted that, in view of the foregoing comments, the original claims are believed to be patentable over the art of record. Therefore these amendment are being proposed to clarify the distinctions for the Examiner in the interests of advancing prosecution, and not for any reason related to patentability. The Applicants expressly reserve the right to pursue the unamended claims and any other claims supported by the present specification in subsequent related applications.

Specifically, the claims have been amended to make it clear that the recited message exchange network is configured to facilitate messaging among a plurality of services, and that messaging between a message sender and a message recipient involves a plurality of event categories, each event category of said plurality of event categories being associated with a different one of a plurality of stages of messaging between the message sender and the message recipient, said stages of said messaging including posting of a message, routing of a message, delivery of a message, and response to a delivered message. As discussed above, Cote does not teach such features. Support for these amendments and new claim 30 may be found throughout the present specification and specifically, for example, at paragraphs [0023], [0024], and [0025].

In view of the foregoing arguments and the fact that none of the art of record teaches or suggests important aspects of the claimed invention, the rejections of claims 1-30 should be withdrawn for at least the reasons discussed.

In view of the foregoing, Applicants believe all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (510) 663-1100.

Respectfully submitted,
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